

Message Text

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PAGE 01 TANANA 01811 211737Z

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TAGS: TSPA, NASA, MA, US

SUBJ: NASA STATION NEGOTIATIONS: MALAGASY-PROPOSED COOPERATING
AGENCY AGREEMENT

REF: TANANARIVE 1787

NASA FOR CODE I

1. FOLLOWING IS EMBASSY'S INFORMAL TRANSLATION OF DRAFT COOPERATING
AGENCY AGREEMENT BETWEEN NASA AND MALAGASY DIRECTORATE OF POSTS AND
TELECOMMUNICATIONS, AS PRESENTED TO EMBASSY BY DIRECTOR OF P&T
FOLLOWING NOVEMBER 15 NEGOTIATING SESSION ON NASA STATION AGREEMENT:

A. (BEGIN TEXT)

TITLE: AGREEMENT BETWEEN NASA AND THE DPT IN EXECUTION OF
ARTICLE 7 A OF THE AGREEMENT BETWEEN THE MALAGASY REPUBLIC AND
THE UNITED STATES FOR THE ESTABLISHMENT AND FUNCTIONING OF A
SPACE TRACKING STATION IN MADAGASCAR.

B. THE MALAGASY DIRECTORATE OF P&T HEREINAFTER REFERRED TO AS
"DPT" AND REPRESENTED BY ITS DIRECTOR, MR. ELOI RAPIERA, AND THE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OF THE UNITED STATES
HEREINAFTER REFERRED TO AS "NASA" AND REPRESENTED BY.....

C. IT HAS BEEN AGREED TO DEFINE, IN HIS ANNEX, THE PROCEDURES OF
IMPLEMENTATION OF THE AGREEMENT CONCLUDED BETWEEN THE MALAGASY
REPUBLIC AND THE UNITED STATES OF AMERICA FOR THE OPERATION OF
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UNCLASSIFIED

PAGE 02 TANANA 01811 211737Z

THE SPACE TRACKING STATION IN MADAGASCAR HEREINAFTER REFERRED TO

AS "THE STATION".

D. ARTICLE 1. SOVEREIGNTY OF THE MALAGASY STATE.

THE OPERATION OF THE STATION SHOULD IN NO WAY DEROGATE THE SOVEREIGNTY OF THE MALAGASY STATE IN THE FIELD OF TELECOMMUNICATIONS. THE STATION IS PLACED, ON THE MALAGASY SIDE, UNDER THE RESPONSIBILITY OF THE MINISTRY IN CHARGE OF POSTS AND TELECOMMUNICATIONS

E. ARTICLE 2. MANAGEMENT OF THE STATION.

THE MANAGEMENT OF THE STATION WILL BE CONDUCTED BY TWO DIRECTORS DESIGNATED EACH OF THE TWO PARTIES.

THE DIRECTOR APPOINTED BY NASA ENSURES THE REPRESENTATION OF NASA IN THE COUNTRY. IN THIS CAPACITY HE IS THE LOCAL PARTNER OF THE DPT FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE AGREEMENT AND OF THIS ANNEX. MOREOVER HE IS RESPONSIBLE FOR CARRYING OUT THE PROGRAM OF ACTIVITIES ASSIGNED BY NASA TO THE STATION AND FOR CONTROLLING ITS DEVELOPMENT. THE DIRECTOR OF POSTS AND TELECOMMUNICATIONS WILL ENSURE THE ADMINISTRATIVE AND FINANCIAL MANAGEMENT OF THE STATION, THE USE OF THE FACILITIES OF THE STATION AND THE MAINTENANCE OF ITS INSTALLATIONS.

F. ARTICLE 3. PERSONNEL - RECRUITMENT.

THE STATION WILL EMPLOY QUALIFIED PERSONNEL ASSIGNED BY ONE OR THE OTHER OF THE PARTIES. WHILE ON ASSIGNMENT, THEY WILL CONTINUE TO BE ADMINISTERED BY THE AGENCY WHICH ASSIGNED THEM, OR IN ACCORDANCE WITH THE REGULATIONS OF THEIR AGENCY OF ORIGIN BY THE AUTHORITY WHICH HAS POWERS TO ADMINISTER THEM. THE DPT WILL BE RESPONSIBLE FOR FURNISHING MALAGASY MANAGERIAL STAFF AND TECHNICIANS OF DPT AS NEEDED BY THE STATION IN ACCORDANCE WITH THE CAPABILITIES OF THE DPT. NASA WILL PROVIDE THE DPT WITH A LIST PERIODICALLY UPDATED OF THE MANAGERIAL STAFF AND TECHNICIANS WHICH THE STATION REQUIRES BOTH FOR THE PRESENT AND FOR ITS FUTURE DEVELOPMENT. THIS LIST WILL SPECIFY THE QUALIFICATION OF THE MANAGERIAL PERSONNEL OR TECHNICIANS AS WELL AS THE CONDITIONS OF TRAINING REQUIRED. THE DPT WILL TAKE ALL NECESSARY MEASURES TO RECRUIT MANAGERIAL STAFF AND TECHNICIANS TO ASSIGN TO THE STATION AND WILL ENSURE THAT THEIR QUALIFICATIONS MEET THE NEEDS OF THE STATION.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 TANANA 01811 211737Z

G. ARTICLE 4. PERSONNEL - TRAINING.

NASA WILL, IN CLOSE RELATION WITH DPT, ENSURE THE EDUCATION AND TRAINING OF THE MALAGASY STAFF AND TECHNICIANS ASSIGNED TO THE STATION. NASA WILL PERIODICALLY COMMUNICATE TO DPT EDUCATION AND TRAINING PROGRAMS THAT IT DEEMS APPROPRIATE, AND DPT WILL DRAW UP THE LIST OF EMPLOYEES WHO SHOULD PARTICIPATE. NASA WILL PAY FOR ALL COSTS OF THIS TRAINING.

H. ARTICLE 5. PERSONNEL - WAGES.

THE PERSONNEL ASSIGNED TO THE STATION BY EITHER PARTY WILL BE PAID BY NASA IN ACCORDANCE WITH THE STATUTORY REGULATIONS OF THE PARTY WHICH ASSIGNED OF THE DPT AND THOSE OF NASA, A REGIME OF THE PARTY WHICH ASSIGNED THEM. IN CASE OF DIFFERENCE BETWEEN THE CONDITIONS OF THE DPT AND THOSE OF NASA, A EGIME OF COMPENSATION WILL BE INSTITUTED.

I. ARTICLE 6. ASSISTANCE, RESEARCH AND STUDY MISSIONS.

IN ORDER TO PROVIDE A FURTHER CONTRIBUTION TO THE OPEARATION OF THE STATION FOR CERTAIN SPECIFIED ACTIVITIES, THE DPT MAY MAKE ASSIGNMENTS TO SOME OF ITS OWN STAFF AMONG THOSE WHO HAVE COMPLETED THE UNIVERSITY OF MADAGASCAR COURSES, "TELECOMMU- NICATIONS," OR "PTT," OR OTHER EQUIVALENT STUDIES, AS WELL AS AMONG PEOPLE INVOLVED IN RESEARCH AND TEACHING. THEIR MISSION WILL BE DETERMINED ON A CASE-BY-CASE BASIS AS WELL AS THEIR DURATION AND RELATED PERTINENT CONDITIONS.

J. ARTICLE 7. OTHER PARTICIPATION AND REMUNERATION.

IN GENERAL, AS FAR AS THE STATION IS CONCERNED, THE ACTIONS OF THE DPT AND THOSE OF NASA WILL BE SUBJECT TO PERMANENT COORDINATION WITH A VIEW TOWARD HARMONIUS DEVELOPMENT OF THE ACTIVITIES OF THE TRACKING OF SPACECRAFT IN MADAGASCAR. THE DPT WILL FURNISH NASA ALL ITS KWISTANCE, IN RETURN FOR THE PAYMENT OF US\$100,000 ANNUALLY.

K. ARTICLE 8. FINAL ARRANGEMENT.

THIS ANNEX ESTABLISHED TO COMPLETE THE ABOVEMENTIONED AGREEMENT, IS A PART OF IT,NOTABLY THE DATE ON WHICH ENTERS INTO EFFECT AND THE DURATION SPECIFIED IN ARTICLE 10(A) OF SAID AGREEMENT. (END TEXT)

UNCLASSIFIED

UNCLASSIFIED

PAGE 04 TANANA 01811 211737Z

WM COMMENT. THIS IS OBVIOUSLY A ROUGH DRAFT OF A COOPERATION AGENCY AGREEMENT WHICH WILL REQUIRE CONSIDERABLE REFINEMENT AND POLISHING. THE DIRECTOR OF P&T, AFTER INTRODUCTORY VISIT O NASA STATION NOV 18, TOLD EMBOFF HE WOULD HAVE HIS TECHNICIANS TAKE "ANOTHER LOOK" AT DRAFT COOPERATING AGENCY AGREEMENT AND PERHAPS AMKE CHANGES IN IT IN LIGHT OF WHAT HE (THE DIRECTOR) HAD LEARNED IN COURSE OF VISIT TO STATION. EMBASSY IS TRANSMITTING AGREEMENT AS ORIGINALLY PRESENTED, HOWEVER, AS OUTLINE OF WHAT GOMR SEEMS TO HAVE IN MIND FOR A COOPERATING AGENCY AGREEMENT.

3. GOMR NOW UNDERSTANDS DISTINCTION BETWEEN TWO AGREEMENTS, ALTHOUGH THIS DRAFT STILL USES TERM "ANNEX." THIS DRAFT HAS NOT BEEN DISCUSSED WITH GOMR. (END COMMENT)
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